

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *[Signature]*
DATE: January 20, 2015
RE: 15-0055CA; 15 Conger Avenue

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: WRL Ward: 5

Owner/Representative: David Maynard et al / Patrice A. Stratmann

Request: Replace existing garage with new single family dwelling.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is requesting approval to convert a property presently containing a detached garage to one containing a single family home. The garage is the only structure on the property and is presently nonconforming with respect to use, lot coverage, and the side and rear yard setbacks. The proposed construction includes a new single family home, driveway, and a front fence.

Note that the proposed home contains a second story that would be constructed within the rear yard setback and is dependent on zoning amendment ZA-14-01, *Residential Setback Encroachment Expansion*. This amendment was warned for public hearing with the City Council on August 11, 2014 and remained in effect through September 10, 2014. This amendment has since expired; however, this application was submitted prior to its expiration and is vested under its provisions.

The subject property is very small at just 2,800 sf and received a variance approval from the Development Review Board May 14, 2014 that allowed construction on the property even though it is less than 4,000 sf (Sec. 5.2.1, *Existing Small Lots*). To be clear, no actual construction was included in that variance approval. The variance simply resulted in the lot being "buildable."

This application was originally filed for conversion of the existing garage structure into a single family residence with a new second story. This conversion and expansion of an existing structure is consistent with proposed amendment ZA-14-01. The applicant has since decided to pursue new construction, albeit within the existing footprint. While doing so would enable an easier construction process, it goes beyond the scope of ZA-14-01 and requires review also under Sec. 5.3.5. *Nonconforming Structures (b) Demolition*.

The Design Advisory Board reviewed this application on September 9, 2014. On a vote of 3-0-0, the Board recommended forwarding the application to the Development Review Board with the following conditions:

1. Revise the driveway to no more than 18' wide.
2. Note the proposed fence as wooden.
3. Screen the utility meters.

Relative to the driveways and the lot's nonconforming lot coverage, the DAB noted that they assume the driveways have been historically used for parking access.

The Development Review Board reviewed this project October 7, 2014. The Board deliberated on October 27, 2014 and decided to reopen the project review. The Board questioned whether the building as then proposed could actually be built within the constraints of the property and applicable building codes. The Board requested information from the applicant to address these constraints and recommended that the building be pulled away from the property lines. The Board also encouraged the applicant to improve the proposed building design. The applicant has submitted revised project plans in response to the Board's direction. The proposed building has been pulled back 5' from the rear property line, and the building design has improved; however, it continues to present a rural aesthetic. Note that the revised plans are not true-to-scale and must be.

Previous zoning actions for this property are as follows:

- 5/14/14, Variance from Sec. 5.2.1, *Existing Small Lots*, 4,000 sf minimum lot restriction
- 3/18/14, Adverse determination of existing buildable small lot

Recommendation: Certificate of Appropriateness approval as per, and subject to, the following findings and conditions:

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (WRL)

The subject property is located in the WRL zone. This zone is intended primarily for single detached dwellings and duplexes. The proposed single family home is consistent with the intent of this zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

The property is undersized at just 2,800 sf but is buildable per the variance from Sec. 5.2.1 granted by the Development Review Board on May 14, 2014.

The property as it currently exists exceeds the maximum allowable lot coverage of 35% in the WRL zone. Just the garage's 1,600 sf footprint results in 57% lot coverage. Basically the entire area between the existing garage and the road is gravel driveway-turned-grass. Although grass has completely encroached into the former gravel driveway, both the Design Advisory Board and the Development Review Board found it acceptable to continue counting this area as driveway. With that in mind, existing lot coverage is about 90%. The proposed construction will lessen the

existing building footprint and narrow the driveway down to just 18' wide. The resultant lot coverage would be 64.6% -- still nonconforming but substantially less so.

The minimum required side yard setbacks on this 56' wide property are 5.5' on both sides. The existing garage is set back 3' from both side property lines. The minimum required rear yard setback is 20'. The existing garage is set back just 6" from the rear property line. The average front yard setback of neighboring properties appears to be 13.5'. The required front yard setback is +/- 5' of this average. The existing garage is set back 16' 6" from the front property line. Just the front yard setback is conforming. The revised project plans pull the proposed building in on both sides and the rear to 5' -- as above, still nonconforming but substantially less so. The proposed front yard setback remains conforming at 12' 6". See Sec. 5.3.5 for nonconformities.

The height of the existing garage is not noted; however, it is just 1 story. The proposed home is 29' tall to the mid-point of the roof rise. This height is less than the maximum permissible 35'.
(Affirmative finding)

(c) Permitted & Conditional Uses

The proposed single family home is a permitted use in the WRL zone. Note that the change in use and increased building size will require payment of impact fees per Article 3. **(Affirmative finding as conditioned)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments under this provision are being sought. **(Not applicable)**

2. Height

No height bonuses are being sought. **(Not applicable)**

3. Lot Coverage

No lot coverage bonuses are being sought. **(Not applicable)**

4. Accessory Residential Structures and Uses

No accessory structures are proposed. **(Not applicable)**

5. Residential Density

The single family home is subject to the functional family provisions of the Comprehensive Development Ordinance. **(Affirmative finding)**

6. Uses

No neighborhood commercial use is included in this proposal. **(Not applicable)**

7. Residential Development Bonuses

No development bonuses are being sought. **(Not applicable)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.3.5, Nonconforming Structures

(a) Changes and Modifications

Zoning Amendment 14-01, Residential Setback Encroachment Expansion

As noted under Sec. 4.4.5 (b), the existing garage encroaches into the minimum side and rear yard setbacks. Zoning amendment 14-01 mirrors this existing criterion, except that it allows for vertical expansion of all enclosed structures within residential zones (rather than just single family homes and community centers). This zoning amendment, along with criterion (b) *Demolition*, allows for retention of existing dimensional nonconformity in replacement structures and for an increase in height subject to certain limitations. The new building will be constructed within the existing footprint, although as revised, it will be somewhat smaller. The new home will not encroach into the side yard or rear setback any more than the existing garage. As noted previously, the revised project plans bring the building in to 5' from the side and rear property lines.

- i) *Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density, and intensity of development);*
The new building complies with the applicable height requirement. Lot coverage is nonconforming; however, the degree of nonconformity is substantially reduced. FAR relative to intensity of development does not apply in the WRL zone. The front yard setback is compliant. **(Affirmative finding)**
- ii) *Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,*
The proposed home will lessen the degree of nonconformity relative to setbacks and lot coverage. The proposed home is bordered to the north and south by apartment building parking areas and to the west by a grassy back yard. To the east is Conger Avenue. Shadow impacts due to the additional building height would be modest and would not directly impact neighboring homes. **(Affirmative finding)**
- iii) *Be compatible with the character and scale of surrounding structures.*
The existing single story garage is an anomaly in the neighborhood. Two and three story residential structures define the development pattern of this neighborhood. The replacement of this single story structure with a 2.5-story home is compatible with the character and scale of the surrounding built environment. **(Affirmative finding)**

The proposed construction will not create any new nonconformity. Rather, it will reduce the degree of existing nonconformity. As required, this project is reviewed under the design review provisions of Article 3 in these findings. **(Affirmative finding)**

(b) Demolition

This criterion allows for retention of dimensional nonconformity of new structures replacing existing nonconforming structures. Such is the case in this application, albeit with a lessened degree of nonconformity reflected in the revised project plans. The applicant wishes to replace the existing garage with a new home within the nonconforming footprint. As noted above, however, the applicant also wishes to add a second story to the new building within the side and rear setbacks. This criterion allows doing so per the criteria of zoning amendment 14-01 so long as application for the replacement structure is completed within one year of demolition. In this case, both demolition and new construction are included in this application. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Project plans depict outdoor lighting fixture locations. They will illuminate the pedestrian and garage entries into the building. Locations are noted on the project plans. Fixture cut sheets have been provided and depict acceptable residential lighting fixtures. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

Since the application has changed to include removal of the existing garage and construction of a new home (rather than simply add onto the existing building), a “small project erosion control” plan is required. This plan is subject to the review and approved of the Stormwater Administrator. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property contains no significant natural features. **(Affirmative finding)**

(b) Topographical alterations

The lot is flat and will remain so. No significant topographical changes are proposed. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views from or through the subject property. The property does not front any identified view corridor. **(Affirmative finding)**

(d) Protection of important cultural resources

The site itself is not historically significant, nor does it have any known archaeological significance. See Sec. 6.3.2 (b) below for historic significance the building itself. **(Affirmative finding)**

(e) Supporting the use of alternative energy

No alternative energy measures are included in the development proposal. The new structure will have no adverse impacts on alternative energy potential on the subject or neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

The property is not an identified brownfield. **(Affirmative finding)**

(g) Provide for nature's events

The project as proposed is not large enough to require a post-construction stormwater management plan. As noted above, a construction site erosion control plan is required. The front entrance will be somewhat sheltered by a small overhang. **(Affirmative finding)**

(h) Building location and orientation

The location and orientation of the building will not change. The building is presently oriented towards Conger Avenue. The proposed home will retain this orientation. As proposed, the front entrance is clearly visible from the street. The garage comprises some 20' of the 46' wide front façade and is acceptable at less than 50% of the total width. **(Affirmative finding)**

(i) Vehicular access

The garage presently contains four overhead doors facing Conger Avenue. The new home will contain one overhead door facing the street. A single driveway will lead to the garage door. The driveway has been narrowed to an acceptable 18'. **(Affirmative finding)**

(j) Pedestrian access

This criterion requires that a walkway be provided between the building's primary entrance and the public sidewalk. The application incorporates a stone walkway out to the sidewalk. **(Affirmative finding)**

(k) Accessibility for the handicapped

No handicap accessibility is evident in this proposal, nor is it required. **(Affirmative finding)**

(l) Parking and circulation

The proposed parking and circulation arrangement is simple. A short, straight driveway would connect the 2-car garage to the street. The 2 required parking spaces would be contained within the garage. **(Affirmative finding)**

(m) Landscaping and fences

The project plans contain minimal landscaping details and note only that a tree – now a fir tree – will be planted in the front yard. The formerly proposed front “courtyard” is now gone, as is the fence around it. The front yard is now open grassy area with a fir tree to be planted in the center. **(Affirmative finding)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. **(Not applicable)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Any new utility lines must be buried. The site plan depicts a utility meter on the north side of the building. As recommended by the DAB, the meter will be enclosed within a cabinet. See also Sec. 6.3.2 (h) below. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

Within the low and medium density residential zones, the height and massing of existing residential buildings is the most important consideration when evaluating the compatibility of additions and infill development. In this case, most surrounding residences are in the 2 – 2.5 story range and exhibit fairly uniform massing. The proposed construction would convert the existing shed-roofed, single story garage into a gable-roofed, 2.5 story residence. The dormers and fenestration pattern suggest that the building will contain 3 levels; however, the height is just 29'. The massing of the building is fairly simple with the ground floor differentiated from the upper floors. A projecting front entry adds dimensional relief to the front façade, and proposed fenestration breaks up the overall mass of the front façade. **(Affirmative finding)**

2. Roofs and Rooflines

A pitched gable roof with dormers is proposed. This roof form is common amongst neighborhood homes. **(Affirmative finding)**

3. Building Openings

The proposed fenestration is fairly basic and uniformly applied. Window size varies among the building levels, but they remain stylistically similar. **(Affirmative finding)**

(b) Protection of important architectural resources

The garage dates to 1900 but is not included in the State or National Register of Historic Places, nor does it appear to meet the eligibility criteria for review under Sec. 5.4.8, *Historic Buildings and Sites*. The proposed construction would not adversely impact Burlington's wealth of historically significant properties. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The project plans satisfactorily address this criterion. The front fence has been deleted. The front door is clearly visible from the street, and a walkway provides direct access to it from the public sidewalk. The upper story of the front façade includes sufficient fenestration to break up the exterior wall area. **(Affirmative finding)**

(e) Quality of materials

The project plans indicate exterior building materials. Parged concrete has been deleted in favor of clapboards on the first story. Above would be clad in vertical board and batten siding. The material is assumed to be wood; however, clarification is needed. Asphalt singles would be installed for roofing. Windows will be wooden. Wooden posts with metal cable are proposed for the rear balcony. The rear porch will be wood-framed with screens. **(Affirmative finding as conditioned)**

(f) Reduce energy utilization

The proposed construction must comply with the city's current energy efficiency requirements. Nothing above and beyond the minimum requirements is noted in the project plans. Note also that the State of Vermont's new energy efficiency standards will apply to the new home. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

Not applicable.

(h) Integrate infrastructure into the building design

As noted above, utility meters will be located on the side of the building. They are depicted and screened. No exterior mechanical equipment is proposed. Trash should be stored inside the garage until curb side pick-up days. **(Affirmative finding)**

(i) Make spaces safe and secure

The building will be subject to current egress requirements. Building entries will be illuminated. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Neighborhood Parking District. The proposed single family home requires 2 parking spaces. These two spaces will be provided within the attached garage. **(Affirmative finding)**

II. Conditions of Approval

1. Prior to release of the zoning permit, true-to-scale project plans indicating exterior building materials (i.e. wood, cement fiberboard, etc.) shall be submitted, subject to staff review and approval.
2. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
3. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
4. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
5. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency and egress codes as required.
6. A State of Vermont wastewater permit is required.

7. The proposed replacement structure shall be completed within one year of demolition.
8. All utilities serving this property shall be buried.
9. Standard permit conditions 1-15.

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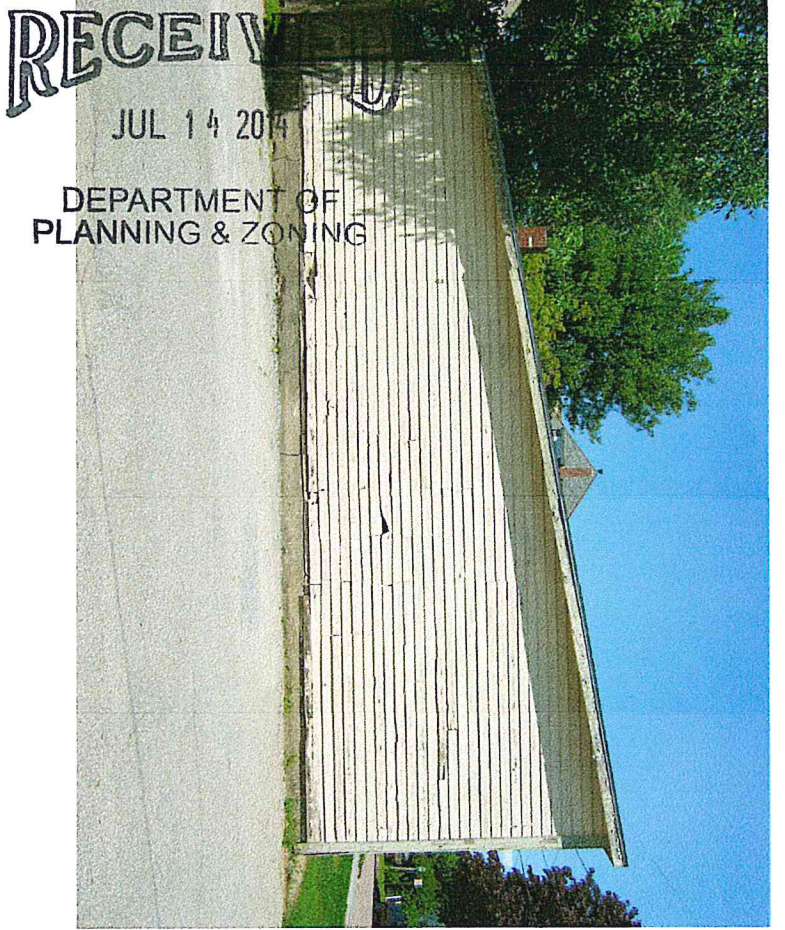


TO: David Maynard et al / Patrice A. Stratmann
FROM: Scott Gustin *SG*
DATE: October 27, 2014
RE: 15-0055CA; 15 Conger Avenue

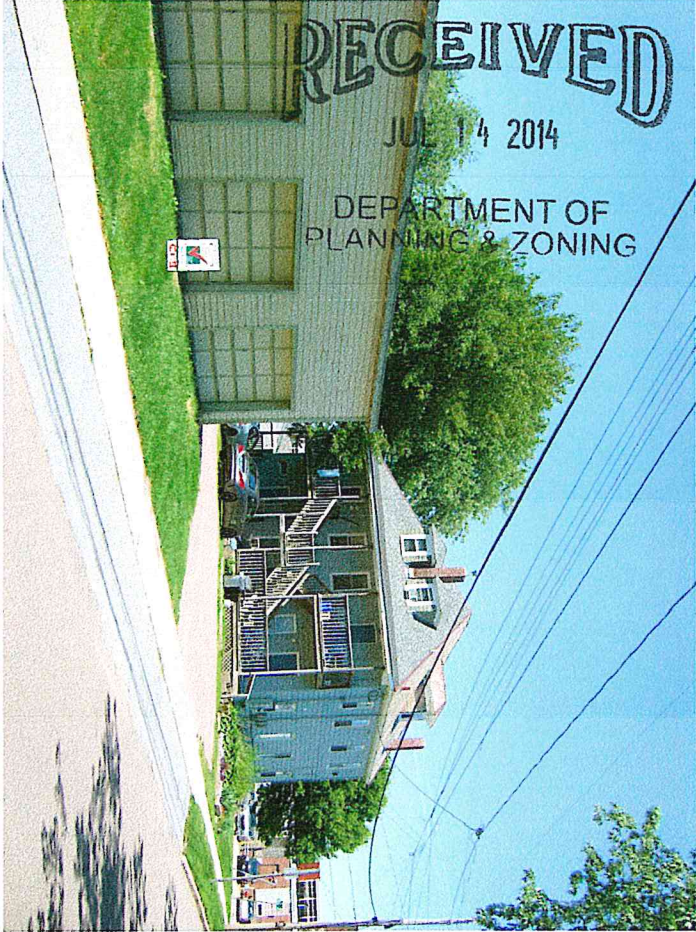
At its October 20, 2014 deliberative meeting, the Development Review Board voted 5-0-1 to reopen review of your application to replace the existing garage with a new single family dwelling. The motion was made by Austin Hart and seconded by Brad Rabinowitz.

Based on testimony at their October 7, 2014 meeting, the Board questions whether the building as proposed can actually be built within the constraints of the property and the applicable building codes. The Board requests that you return with information relative to applicable building codes and how the structure could actually be built within the provisions of those building codes. The Board encourages moving the proposed building further from the rear property line. Doing so may reduce or eliminate problems relative to fire separation distances. The Board also encourages you to improve the building design so as to be more compatible with the finer homes in the neighborhood and to reflect higher architectural merit.

With the foregoing in mind, I would advise you to meet with the City's Building Inspector to review standards relative to building placement, materials, and openings and revise your project design accordingly before then returning to the Development Review Board with a final building design.



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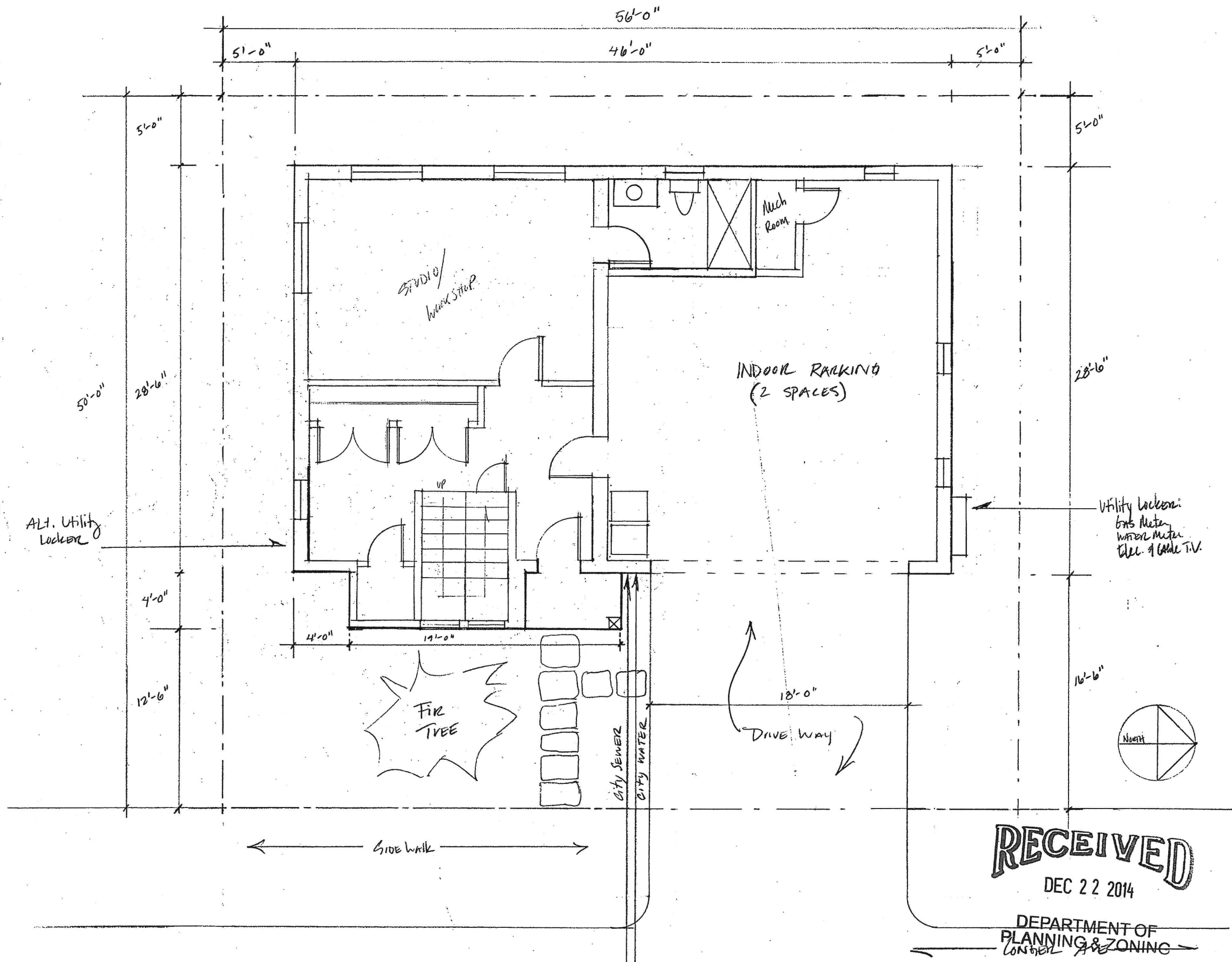
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DEPARTMENT OF
PLANNING & ZONING
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Google earth

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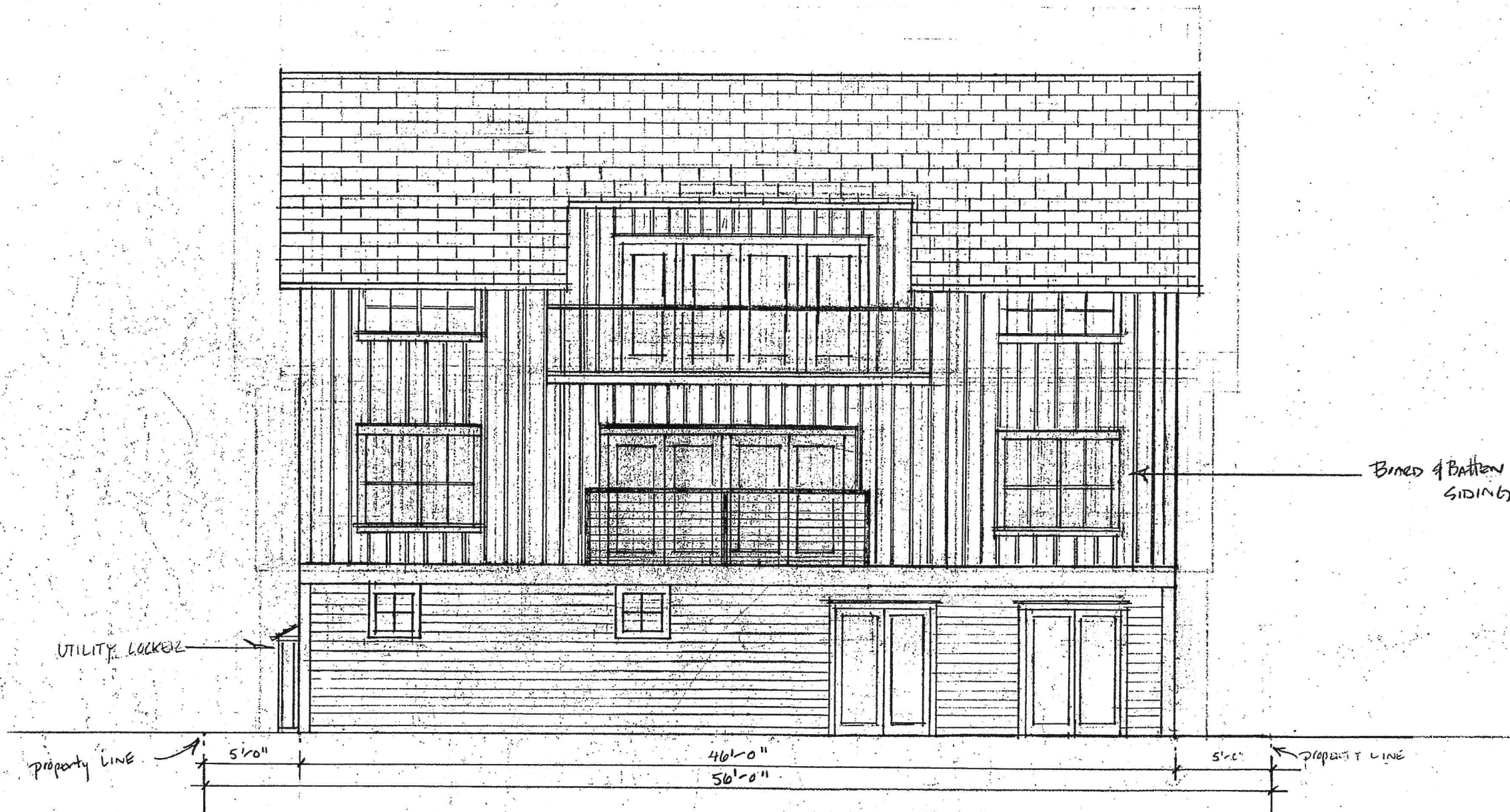
DEPARTMENT OF
PLANNING & ZONING
CANTON AVE

SITE PLAN
FIRST FLOOR PLAN
PROPOSED RESIDENCE 15-19 FRONTIER AVE, BRUNINGTON, VT
DATE: 12.16.14, 12.22.14
SCALE: 1/4" = 1'-0"



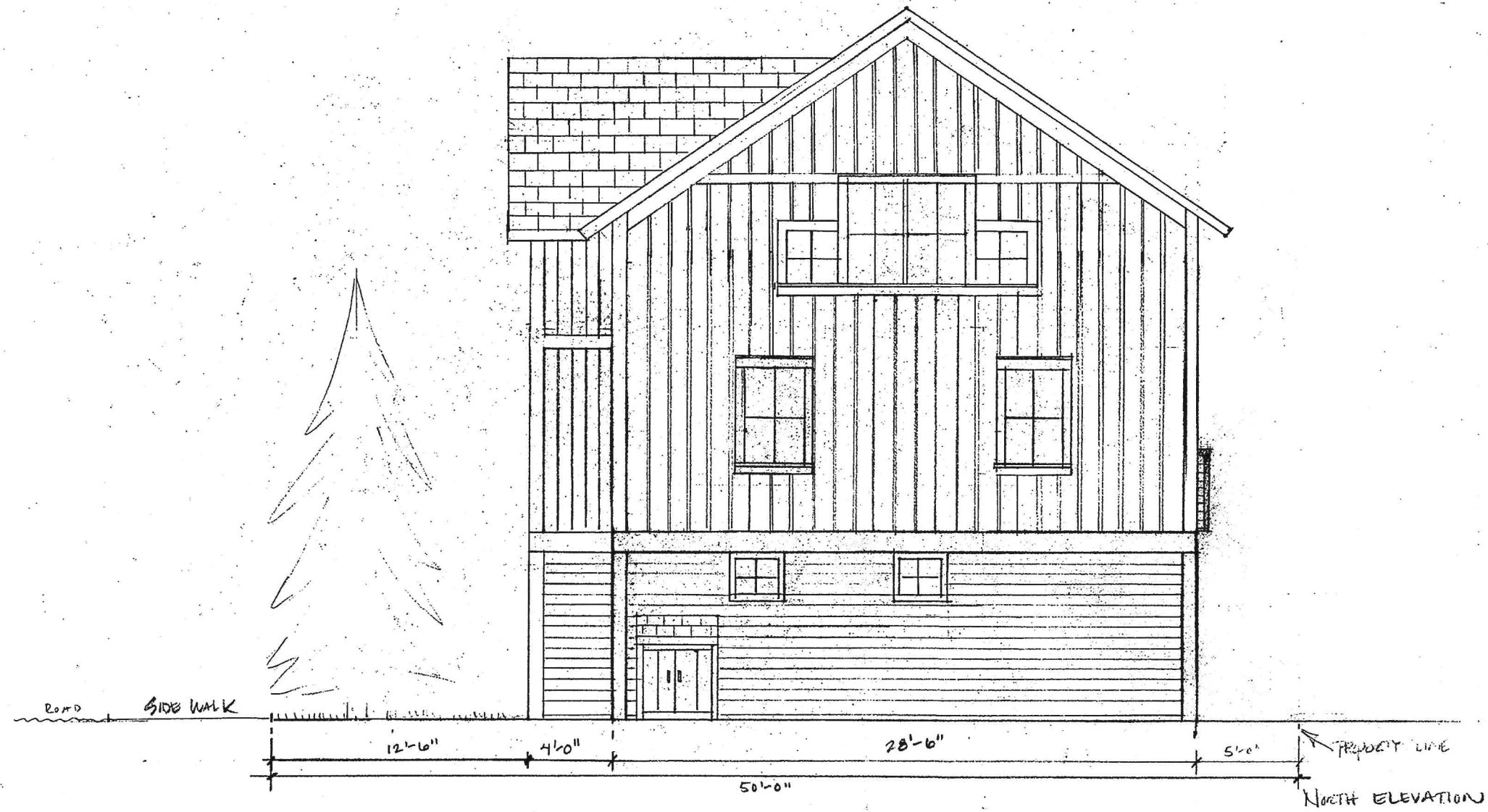
South Elevation

PROPOSED RESIDENCE 15/19 LOMBARD AVE, BURLINGTON, VT
DATE: 8.28.14, 10.2.14, 12.6.14, 12.22.14
SCALE: 1/4" = 1'-0"



WEST ELEV.

WEST ELEVATION • PROPOSED RESIDENCE 15/17 CONGER AVE
DATE: 7.10.14, 8.28.14, 10.2.14, 12.22.14
SCALE: 1/4" = 1'-0"



North Elevation

PROPOSED RESIDENT 15/19 CENTER AVE., BURLINGTON, VT.

DATE: 12.6.14, 12.22.14

SCALE: 1/4" = 1'-0"